

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-24263 - APPLICANT: MONETARY MANAGEMENT OF CALIFORNIA, INC - OWNER: CHEYENNE PLAZA, LTD

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Financial Institution, Specified use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Financial Institution, Specified at 6010 West Cheyenne Avenue, Suite #11. This request is accompanied with Waivers to the Title 19.04.010 conditional use requirements to allow no separation from residential property where a minimum 200-foot separation is required and to allow 1,400 square feet of gross floor area where 1,500 square feet is the minimum required.

This request stems from the applicant wanting to obtain an additional Check Cashing Service license to the existing Finance Company license. The license for the Finance Company was established prior to the Special Use Requirement for Financial Institutions, Specified and operates as an existing, non-conforming use as outlined in Title 19.16.030(a)1. In order to obtain the additional Check Cashing Service license, the applicant must obtain a Special Use Permit for a Financial Institution, Specified use (the related use category associated with Check Cashing for fees, service charges, or other consideration)

Staff recommends denial of this request as the additional increase of use does not comply with the Minimum Special Use Permit Requirements for a Financial Institution, Specified.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
5/28/96	The Board of Zoning Adjustment approved a request for a Variance (V-0056-96) to allow a secondhand dealership for the sale of used sporting goods where such use is not allowed. Staff recommended denial.
3/20/96	City Council approved a request for a Special Use Permit for the on-premise sale of beer and wine in conjunction with an existing restaurant. The Board of Zoning Adjustment recommended approval.
10/11/07	The Planning Commission voted 4-1/sd to recommend APPROVAL (PC Agenda Item #55/mh).
<i>Related Building Permits/Business Licenses</i>	
1/03/02	Business license #F02-00237 was issued for a Finance Company.*
<i>Pre-Application Meeting</i>	
8/15/07	A pre-application meeting was held with staff to discuss the requirement for the Special Use Permit to add the Check Cashing Service to the existing, non-conforming Financial Institution, Specified use.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

Field Check	
8/9/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • An existing Financial Institution, Specified use is in active operation • Ample parking provided by the existing shopping center. • An existing eight-foot wall between the residential property that borders the commercial subdivision to the north.

**Please refer to the “Business License History” in the Analysis section of this report for a detailed explanation of the license history of this establishment.*

Details of Application Request	
Site Area	
Gross Acres	1.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Drug Store	SC (Service Commercial)	C-1 (Limited Commercial)
East		L (Low Density Residential)	R-1 (Single Family Residential)
West	Commercial Shopping Center and Mini storage	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	
A-O Airport Overlay District – 170 feet	X		Y
Trails		X	N
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Financial Institution, Specified	1,400 SF	1: 250 GFA	6	1	466	9	Y
SubTotal					475		
TOTAL (including handicap)			6		475		Y

**The subject site is currently located in an existing shopping center. The provided parking for the "Cheyenne Plaza" commercial subdivision provides an adequate amount of parking for the proposed addition of a Check Cashing use to the existing, non-conforming Financial Institution, Specified use.*

Waivers		
Request	Requirement	Staff Recommendation
No separation from property used or zoned for residential use	200 feet	Denial
1,400 square-foot gross floor area	1,500 square-foot gross floor area	Denial

ANALYSIS

- Use**

As defined by Table 2, of the Title 19.04.010 Office and Professional Land Use Table the Financial Institution, Specified use is any business whose primary function is to lend money; cash checks or other negotiable instruments for a fee, service charge or other consideration; or provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. The Financial Institution, Specified term does not include a pawn shop or a limited check cashing service as defined in Title 19.04.010 and 19.20.

The Financial Institution, Specified use requires that the building, or portion thereof, dedicated to the use shall be a minimum of 1,500 square feet. The subject suite is 1,400 square feet and therefore meets this requirement.

For Financial Institution, Specified uses, Title 19 requires a minimum distance separation from residential uses of 200 feet. The subject proposal does not meet this requirement as the site is part of a commercial subdivision that is adjacent to residential property to the north. As such, staff cannot support this request as the close proximity is in direct contradiction to the intent of the Title 19 distance separation requirements.

- **Business License History**

The original business license #F02-00237 for a Finance Company was issued 1/3/02. This license was granted prior to the Special Use Permit requirement for a Financial Institution, Specified use required by City Council in 2004. On 12/20/06, Business Services Division was notified by the State Board of Finance that this establishment has the license showing deferred check cashing and not payday loans. Business licensing recorded that the business was operating as a Check Cashing Service without the proper license and contacted the business owner on 1/10/07 to apply for the appropriate license. It was at this time that the Business Services Division had told the applicant that a Special Use Permit may be required.

On 1/19/07 a representative from Finance Company indicated that they are in the process of submitting for the Check Cashing License. On 4/02/07, the Business Services Division noted that the Finance Company had stated that they are applying for the Special Use Permit. At this time, the applicant did not apply for a Special Use Permit and proceeded to file a business license, which was then denied by Planning and Development on 3/05/07 for not having an approved Special Use Permit. A representative then met with staff for a pre-application conference where the reason for needing a Special Use Permit is because they are adding a Check Cashing use that was not previously established with the approved Finance Company license prior to 2004. The representative agreed to submit the necessary materials for the Special Use Permit to be scheduled for the 6/14/07 Planning Commission. A representative with the Finance Company then met with the Business Services Division on 7/17/07 to change the license category to a Check Cashing Service, Limited and stated they would not be charging an associated fee.

On 7/18/07 Planning and Development denied the license again as a Check Cashing Service, Limited is not allowed as an accessory use to a Finance company. The license was then reclassified back to the Check Cashing Service license by the Business Services Division on 8/09/07.

- **Minimum Special Use Permit Requirements**

Title 19.04.010, Table 2, lists the following conditions for the Financial Institution, Specified use:

1. The use shall comply with all applicable requirements of Title 6.

2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or close.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified fails to meet condition #7 as it is located only 60 feet from a residential lot where a 200-foot distance separation is required, and 875 feet from an existing Financial Institution, Specified where a 1,000-foot distance separation is required. A waiver from each of these conditions would be required as a condition of approval for this request. As this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is located within a commercial center that has operated legally without a Special Use Permit as the license for such use was issued prior to such requirements. However, the applicant is proposing an additional use to the existing, non-conforming use that does not meet two of the minimum Special Use Permit requirements as listed in Title 19.04.010.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is not physically suitable for the proposed increase in intensity of use as this proposed Financial Institution, Specified cannot be approved without a Waiver from both the minimum distance separation and minimum size requirements.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is served by Cheyenne Avenue, a 100-Foot Primary Arterial on the Master Plan of Streets and Highways, which is adequate capacity to serve the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed increase to the existing non-conforming use does not promote the general welfare of the public as it is too close to existing residential development and does not meet the minimum floor area requirement. In addition, this site will be subject to inspections and business licensing requirements.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed increase in use to add the Financial Institution, Specified use for Check Cashing services to the existing, non-conforming Finance Company does not meet conditions six and seven of the minimum Special Use Permit Requirements listed in Title 19.04.010 for a Financial Institution, Specified. Staff recommends denial of this request based on the inability to meet these minimum conditions.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 225 by City Clerk

APPROVALS 0

PROTESTS 1